

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LINDA HARTMAN,)	
)	
Plaintiff,)	8:05cv291
)	
vs.)	ORDER to SHOW CAUSE
)	(Service of Process)
TRANSWOOD, INC.,)	
)	
Defendant.)	

This matter is before the court sua sponte. Fed. R. Civ. P. 4(m) establishes the following time limit for service of process on the defendant in a civil case:

(m) Time Limit for Service. If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period. This subdivision does not apply to service in a foreign country pursuant to subdivision (f) or (j)(1).

On June 20, 2005, the Clerk of Court issued a summons form to the plaintiff for service of process on the defendant. The deadline for service of process expired on or about October 20, 2005, and the court's records show no proof of service of process on the defendant.

THEREFORE, IT IS ORDERED:

1. That by no later than November 10, 2005, the plaintiff shall file a pleading entitled Response to Order to Show Cause explaining any reason the plaintiff may have why the above-entitled case should not be dismissed without prejudice for failure to obtain timely service of process on the defendant; and

2. That in the absence of sufficient cause shown by the deadline stated above, this case may be dismissed without prejudice and without further notice pursuant to Fed. R. Civ. P. 4(m) by Chief Judge Joseph F. Bataillon.

DATED this 24th day of October, 2005.

BY THE COURT:

s/ F. A. GOSSETT
United States Magistrate Judge